

**North Ridge Estates Community Meeting**  
**Wednesday, June 4, 2003 6-8 p.m.**  
OSU Extension Office Conference Room in Klamath Falls, Oregon

EPA: Dan Heister, Cliff Villa, Judy Smith DEQ: Cliff Walkey, Frank Messina  
Approximately 40 residents and 1 reporter attended.

Dan Heister handed out draft access agreements. Dan will make sure everyone has an official agreement to sign by the end of the week.

Karen Selim advised those represented by Tom Lindley to refrain from signing the agreements, since he had drafted a separate one for the parties involved.

Dan H. gave a brief overview of the events during the negotiation of the Administrative Order on Consent between EPA and MBK Partnership.

**Questions and Answers:**

1. If I sign the agreement today will you go ahead and start on my property?

Yes.

2. I'm leaving soon on summer vacation, can we arrange for work to be done on our property while we are out of the area?

Yes – make sure access agreement is in place and let the OSC know.

3. Will the contractors be digging up buried “stuff?”

For the first couple of weeks, only surface removal will be done. When a backhoe comes EPA will make sure everyone is aware, so residents can prepare for the noise and/or dust if needed.

4. Will we need separate agreements for different activities on our property?

No. One will suffice.

5. Will the public have a chance to review the work plans before they are finalized?  
Do you have the ability to incorporate public comment into the process?

There usually isn't time for public review of work plans in a time critical removal, but we try to make these “living” documents and make necessary changes and adjustments as cleanup proceeds.

6. How much is the cleanup going to cost?

We don't know what the final cost will be. Dan estimated \$620,000 to complete the activities listed in the initial Action Memo.

7. What activities are going to take place for sure?

Surface cleanup, pit stabilization, pipes traced out, preliminary sampling

8. What will be happening with the known burial sites?

Smaller sites may be consolidated and buried at an on-site location  
Larger sites will be stabilized and capped.

9. How does EPA expect private residential property owners to inspect and maintain these on-site landfills?

This is a real issue that will have to be resolved. EPA can't bind a private citizen like they might a corporate disposal facility. Deed restrictions are one avenue for keeping buried sites from being disturbed.

10. What is being done towards starting on a permanent remedy?

EPA has assigned a Site Assessment Manager Ken Marcy to gather information to assess if the site is eligible for the Superfund list. A human health risk assessor Julie Wroble has also been assigned to the site. Their work will begin concurrently, but they will rely on some information coming out of sampling done during the emergency removal. DEQ may also take the lead again through their cleanup program. There are several viable alternatives.

11. What are you going to do about ground cover? It obscures some of the surface contamination.

The contractor may have to mow or use a weed whacker. The wet spring followed by warm weather has really made the vegetation lush, which is a problem.

12. Won't surface cleanup be a waste of time?

This is not a waste of time. Asbestos poses a threat to human health, especially when it is broken or weathered and becomes more friable. Removing asbestos on the surface will remove the immediate threat. The emergency response law requires visible releases of contaminants to be dealt with. It may not be the best or final solution, but it helps the agencies get started dealing with the problem when combined with sampling.

13. Will more soil samples be taken to look for other contaminants like lead?

EPA will be screening for lead in soil around the residences as well as asbestos fibers. Other contaminants won't be addressed by this removal action.

14. How do we get copies of EPA correspondence and documentation?

Main branch of Klamath Falls Library at 3<sup>rd</sup> and Main  
EPA website: <http://yosemite.epa.gov/r10/cleanup.nsf/sites/NRE>  
Dan Heister OSC local number: 541-884-5922

15. Stockpiling waste at the warehouse is a bad idea because the warehouse is an attractive nuisance and kids party there. Debris should be hauled off site.

EPA notes on-site disposal as being a major concern for residents.  
EPA CERCLA authority for on-site disposal was briefly discussed, including the long-term operation and maintenance concerns.

16. What if we have an unrecorded burial pit on our lot?

It can be added to the work plan. The AOC gives broad authority for removal of contamination on or from the site.

17. Some of the stuff in the work plan seems out of order such as the geophysical survey (for buried pipe) coming later.

It is important to locate the steam pipe, but we don't want to delay efforts to remove surface asbestos quickly. The ground penetrating radar will also be used will to delineate pits where possible.

18. When will deed restrictions be placed?

Current owners are aware of the problem; deed restrictions are more for the benefit of future owners. They would not be the first thing done, because even if this removal leaves a burial pit a future remedial action might remove it, making a deed restriction unnecessary.

19. Why can't all the burial pits large and small be removed?

19.a Why can't small problems be fixed along with the big known ones?

Exceed emergency removal authority. Might take superfund listing.

20. Why does the AOC stop with the emergency removal? Why not go all the way to final cleanup?

Gathering data and doing the analysis for a final or long-term cleanup would mean a delay in starting a response to the contamination. A start has been negotiated and further work will follow. A concern noted by EPA and DEQ during this discussion is the fear that the site will be dropped or overlooked after the emergency removal is over and community members would like assurance that the contamination problem will not be dropped or forgotten.

21. DEQ negotiated deed restrictions with MBK before EPA took the lead on the site, but they haven't been placed yet. What is the current status?

EPA has no current plans for deed restrictions as part of the emergency removal. DEQ said their long-term plans would likely include institutional controls such as deed restrictions.

22. How are we protected by the access agreements? (summary of extended discussion points)

- Insurance - the AOC requires that the contractor be insured.
- Scheduling - work plans can include scheduling needs for residents such as hours of operation or work around vacation needs.
- Indemnification – the federal government is self-indemnified and cannot include statements in access agreements. However, if MBK chooses, they may provide some sort of indemnification in their access agreement.
- Restoration - property will be restored as nearly as possible to the original condition. – EPA recommends taking pictures or video of your property to document the original condition prior to any contractor starting work.

23. I have a very large lot. Will the entire property be cleaned up?

Probably not during the emergency removal. We will be starting at occupied residences and working outwards with the primary goal of limiting risk to people from the asbestos contamination.

24. What are long-term permanent cleanup plans?

Unknown at this point EPA and DEQ will work closely together to make sure the site receives the attention it needs.

25. Will EPA provide a letter that guarantees that my property is clean?

EPA does get involved in individual property transactions. The AOC is the guarantee. Concern was voiced that the 1979 AOC wasn't final. – We can't revise history, but we can vouch for today.

26. Have you been talking with mortgage lenders and holders?

Yes. EPA representatives met with lenders in Klamath Falls on June 4 and 5. As EPA explained, under amendments to the federal Superfund law, lenders and homeowners have specific protections from liability for cleanup costs. The Lender Liability Amendments of 1996 provided protections to lenders who hold title to properties as security interests. Amendments in 2002 provided liability protections to "bona fide prospective purchasers" who may purchase property knowing of contamination, if they meet certain criteria.

27. Can you give us information for what kinds of respirators to use for yard work?

Asbestos requires a specific type of OSHA approved respirator particle filter which requires training before use. EPA cannot make recommendations.

28. Will "glove-box" testing mimicking disturbing activities be done?

Glove box testing will be conducted as part of sampling efforts this summer.

29. What is the purpose of a streamlined risk assessment?

EPA uses a streamlined risk assessment to determine if there has been a release and if people or the environment are at risk from the release.

30. How does the risk assessment fit into the Hazard Ranking System?

Superfund proposal and listing is an iterative process. We look at existing information to see if study should go on to the next level.

31. Will there be exposure criteria and action levels established?

Yes.

*Notes taken by EPA Community Involvement Coordinator Judy Smith.*